

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 23.01.2019

CORAM

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE  
AND  
THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.31807 of 2018

Suresh Bafna

.. Petitioner

Vs.

1. Puducherry Planning Authority  
rep. by its Member Secretary  
Jawahar Nagar, Boomianpet  
Puducherry - 605 005.

2. Preethi Tyagi  
3. Dhritin Tyagi

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the first respondent to demolish construction put up by respondents 2 and 3 in violation of approved plan in property bearing R.S.No.197/9, T.S.No.22/1, Ward B, Block 17, Appavu Nagar, Puducherry Revenue Village, Puducherry Municipality, Puducherry.

For Petitioner : Mr.M.V.Seshachari

For Respondents : Mrs.N.Mala  
Additional Govt. Pleader (P)  
for 1st respondent

Mr.R.Mohan  
for respondents 2 and 3

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner is seeking directions to the first respondent, i.e., the Puducherry Planning Authority, to demolish the construction put up by respondents 2 and 3 in violation of approved plan in property bearing R.S.No.197/9, T.S.No.22/1, Ward B, Block 17, Appavu Nagar, Puducherry Revenue Village, Puducherry Municipality, Puducherry.

2. The learned counsel appearing for the first respondent submitted that respondents 2 and 3 have been served with a Demolition Notice dated 18.12.2018 and as against the said notice, respondents 2 and 3 have preferred an appeal under Section 38 of the Pondicherry Town and Country Planning Act, 1969 to the Member Secretary, Town and Country Planning Board, Puducherry, on 20.12.2018 (which was received by the Board on 26.12.2018).

3. The learned counsel for respondents 2 and 3 has also stated that they have preferred an appeal to the Town and Country Planning Board on 20.12.2018 and the said appeal is still pending.

4. The learned counsel for the first respondent also admits that the said appeal is pending. The learned counsel for the first respondent further made a statement that the said appeal will be disposed of within twelve weeks from the date of receipt of a copy of this order.

In view of the above facts, no further orders are necessary at this stage. The writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Member Secretary  
Puducherry Planning Authority  
Jawahar Nagar, Boomianpet  
Puducherry - 605 005.

+1cc to Mr.R.Mohan Advocate, S.R.No. 4918  
+1cc to Mr.V.Seshachari, Advocate, S.R.No. 5377  
+1cc to the Government Pleader(P), S.R.No. 5249

W.P.No.31807 of 2018

RV(CO)  
GN(11/02/2019)